

REMARKS

The Examiner is thanked for the thorough examination of the present application. Claims 7-18 remain pending in this application. Claims 7-18 were rejected under 103(a) as obvious over Wang et al. (US 2005/0038684 A1), in view of the Examiner's Official Notice, Medelin (US 2005/0216317), and further in view of Catay.

Rejections under 35 U.S.C § 112

The Office Action stated that "Claims *** are rejected under 35 U.S.C. 112, second paragraph...." No actual claim numbers were listed, however, and no discussion was provided for any specific claim. Accordingly, no proper rejection has been set forth, and this is believed to merely be a typo in the Office Action.

Rejections under 35 U.S.C. § 103(a)

Claims 7-18 are rejected under 35 U.S.C 103(a) as allegedly obvious over Wang et al. in view of the Examiner's Official Notice.

Under 35 U.S.C. § 103(c), subject matter developed by another person which is prior art under subsections 35 U.S.C. 102(e), (f) and (g) shall not preclude patentability under 35 U.S.C. 103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an assignment to the same person.

Statement Under 35 U.S.C. § 103(c)

According to 35 U.S.C. § 103(c), the rejections under 35 U.S.C. § 103(a), based on the combination of Wang, should be withdrawn, for at least the reason that the present application and the subject matter of Wang were, at the time of the invention, commonly owned. Because Wang was published less than one year before the filing date of the parent application (and because the present claims are fully supported by the parent application), Wang is not prior art under 102(b). Instead, it qualifies as prior art only under 102(e), and as such should be withdrawn (pursuant to 35 U.S.C. § 103(c)) since the subject matter was commonly owned. In this regard, the present application and Wang are both assigned to Taiwan Semiconductor Manufacturing Company, Ltd.. Further, according to MPEP 706.02(I)(2), "The following statement is sufficient evidence to establish common ownership of, or an obligation for assignment to, the same person(s) or organizations(s):

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

Applicant hereby confirms that Application Serial No. 10/811,222 (*i.e.*, the present application) and Published Patent Application No. 2005/0038684 A1 to Wang et al. were, at the time the invention of Application No. 10/811,222 (the present application) was made, both owned by Taiwan Semiconductor Manufacturing Company, Ltd. Accordingly, Wang should be withdrawn from consideration.

As all claim rejections are based, in part, upon the teachings of Wang, Applicant respectfully requests that the rejections of claims 7-18 be withdrawn and the claims passed to issue.

Conclusion

For the reasons described above, the Applicant believes that the application is now in condition for allowance and respectfully requests so. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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